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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/584,647

06/26/2006

Lionel Oisel

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EXAMINER

WONG, LESLIE

ART UNIT

PAPER NUMBER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/584,647	<b>Applicant(s)</b> OISEL ET AL.	
	<b>Examiner</b> LESLIE WONG	<b>Art Unit</b> 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2011.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/26/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/22/2011 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schlack; John A. et al. (“Schlack”) (US 7260823 B2)** as applied to claims 1 and 8 in view of **Jeannin; Sylvie et al. (“Jeannin”) (US 7333712 B2)**.

Regarding claims 1 and 8, **Schlack** teaches a device and method for device and method for creating summaries of multimedia documents comprising:

A storage that stores multimedia documents (Fig. 2A, elements 214 and 216),

A viewing unit that enables a user to view a multimedia document stored on said storage (col. 27, lines 44-49),

A weighting module that automatically assigns a weight to each multimedia document stored on said storage according to a frequency with which the stored multimedia documents are viewed by the user (col. 31, lines 57-64; col. 17, lines 40-42, col. 21, lines 31-52; (total amt of time in minutes and click frequency); col. 22, lines 35-44; col. 29, lines 17-27; col. 30, lines 1-4; col. 32, lines 49-65 and Fig. 24),

A summary creation module that creates a summary of the multimedia documents stored on said storage according to the weight assigned to each multimedia document (col. 19, lines 4-16 and Fig. 16 and Fig. 24)

**Schlack** does not explicitly teach wherein each summary summarizes contents of a multimedia document.

**Jeannin** however, teaches **each summary summarizes contents of a multimedia document** as weights are assigned ... a particular scene of the video source in the initial visual summary (col. 4, lines 9-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Schlack's** teaching would have allowed **Jeannin's** to facilitate the process of viewing the preferred programs by creating a summary of video contents, extracting the keyframes, and assigning weights to a group of keyframes which represent a particular scene from the video source.

Regarding claim 2, **Schlack** further teaches said summary creation module creates a summary of the multimedia documents stored on said storage for which the weight assigned to each multimedia document is greater than a predefined threshold (col. 26, lines 64-66).

Regarding claim 3, **Schlack** further teaches wherein each multimedia document having a type relating to the content of the document, said weighting module assigns a weight to each multimedia document according to type of document (e.g., program categories) (Fig. 16, element 1610 and Fig. 24).

Regarding claim 4, **Schlack** does not explicitly teach wherein said device additionally divides each multimedia document into scenes and said weighting module additionally assigns a weight to each scene of the multimedia document.

**Jeannin**, however, teaches wherein said summary creation module adapts a duration of the summary according to the weight assigned to each multimedia document and to each scene of the multimedia documents (col. 4, lines 9-18).

Regarding claim 5, **Jeannin** further teaches wherein said summary creation module creates a summary of the multimedia documents stored on said storage according to the weight assigned to each scene in the multimedia document (col. 4, lines 9-18).

Regarding claim 6, **Jeannin** further teaches wherein said summary creation module adapts a duration of the summary according to the weight assigned to each multimedia document (col. 4, lines 9-18).

Regarding claim 7, **Schlack** further teaches wherein said storage additionally stores the summaries (col. 12, lines 1-7).

Regarding claim 9, **Schlack** does not explicitly teach wherein said summary creation module adapts a duration of the summary according to the weight assigned to each multimedia document and to each scene of the multimedia documents.

**Jeannin**, however, teaches wherein said summary creation module adapts a duration of the summary according to the weight assigned to each multimedia document and to each scene of the multimedia documents (col. 4, lines 9-18).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Communication Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LESLIE WONG whose telephone number is (571)272-4120. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES RONES can be reached on (571)272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LW  
April 10, 2011

/Leslie Wong/  
Primary Examiner, Art Unit 2164